

JEFFREY NEYLON,	)	
	)	
Plaintiff,	)	4:17CV3153
	)	
v.	)	
	)	
BNSF RAILWAY CO.,	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
Defendant.	)	
	)	

On March 7, 2019, Defendant filed a Motion to Reassert and Submit Defendant's Motion for Summary Judgment (Filing No. 118), and Plaintiff responded (Filing No. 120) by filing an additional Index of Evidence (Filing No. 121). After consideration of Defendant's Motion (Filing No. 118) and in light of the additional

evidence filed by Plaintiff, the court will grant the Motion, but will direct the Clerk of Court to docket the Motion (Filing No. 118) as a pending Motion for Summary Judgment. In considering such Motion for Summary Judgment, the court will review all briefs and evidence previously filed in conjunction with the prior Motion for Summary Judgment (Filing No. 83), as well as Plaintiff's additional Response (Filing No. 120) and Index of Evidence (Filing No. 121). Accordingly,

IT IS ORDERED that Defendant's Motion to Reassert and Submit Defendant's Motion for Summary Judgment (Filing No. 118) is granted, but instead of terminating such Motion, the Clerk of Court shall docket Defendant's Motion to Reassert and Submit Defendant's Motion for Summary Judgment (Filing No. 118) as a pending Motion for Summary Judgment filed by Defendant BNSF Railway Co., with a "motion filed" date of 3/7/2019, a "response due" date of 3/28/2019, and a "reply due" date of 4/4/2019. The court will rule on Defendant's Motion for Summary Judgment (Filing No. 118) in the normal course of business.

DATED this 23rd day of April, 2019.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge